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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/227,398	01/08/1999	KENT K. LEUNG	CISCP077	8362

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EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2686

23

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/227,398

Applicant(s)

Kent K. Leung

Examiner

Naghmeh Mehrpour

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Jun 2, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 7, 12-14, 22-29, 32-45, and 47 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7, 12-14, 22-29, 32-45, and 47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7, 12-14, 22-29, 32-45, 46-47**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Rai et al (US Patent Number 6,377,982 B1) in view of Lee et al. (US Patent 6,535,493 B1).

Regarding **Claims 1, 3, 13, 23, 27, 37, 39, 42, 44, 46-47**, Rai teaches a network device which supports mobile IP and is configured to send an accounting request, the accounting request identifying a mobile node, the network device comprising (abstract) :
a memory, a processor coupled to the memory (see figure 22), wherein the network device and plurality of mobile nodes each of the plurality of network devices a Home Agent or a Foreign Agent adapted for sending an accounting request to the server being a Home Agent or a Foreign Agent adapted for sending an accounting request to the server associated with a mobile node **supported by a plurality of Home Agents** (see figure 1, col 6 lines 18-41, lines 45-55), and each of the plurality of network devices a Home Agent or a Foreign Agent sending information to the server to update accounting information associated with a mobile node (col 23 lines 41-50). Rai fails to teach that the network device including counter, and **in response to a trigger event, the trigger being a lapse of a predetermined period of time, initiation of termination**

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of a registration of the mobile node, or when a number of packets are received or termination of a registration of the mobile node, or even when a number of packets are received or sent by the mobile node, the server being. However Lee teaches each of the plurality of network devices a Home Agent or a Foreign Agent sending information to the server to update (Col 3 lines 25-32) information associated with a mobile node (col 4 lines 46-67, col 5 lines 1-6), and the network device including counter (col 10 lines 17-25), and **in response to a trigger event, the trigger being a lapse of a predetermined period of time, initiation of termination of a registration of the mobile node, or when a number of packets are received or termination of a registration of the mobile node, or even when a number of packets are received or sent by the mobile node, the server being** (col 9 lines 45-53). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of Lee to Rai, in order to enable the corporate users accessing network from home or while on the road, while the end users only pay for the cost of connecting to corporate remote access.

Regarding **Claims 2, 25, 29**, Rai teaches a network device received and send packets by the mobile node (col 7 lines 3-18), **and packets sent from the mobile node, a total service time for the mobile node** (col 6 lines 47-61). Rai does not specifically mention that a counter indicates number of packets and number of bytes that received and send to the mobile node, a **number of bytes that have been sent to the mobile node and a number of bytes that have been sent from the mobile node.** However Lee teaches a counter indicates number of packets

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and number of bytes that received and send to the mobile node (col 4 lines 56-67, col 5 lines 36-60), **and packets sent from the mobile node, a total service time for the mobile node, a number of bytes that have been sent to the mobile node and a number of bytes that have been sent from the mobile node** (col 4 lines 36-67, col 42 lines 3-20). Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of Lee to Rai, in order to keep track of number times that system registers.

Regarding **Claims 4, 26, 28, 38, 40-41, 43**, Rai teaches a server that is adapted for sending an accounting reply to the network device in response to the accounting request (col 6 lines 34-41), and accounting reply acknowledging logging of the accounting information pertaining to the mobile node (col 18 lines 3-11, col 19 lines 8-12).

Regarding **Claims 7, 14, 18, 32**, Rai fails to teach a server wherein the counter indicates a number of registrations that have been accepted. However Lee teaches a server wherein the counter indicates a number of registrations that have been accepted (col 10 lines 14-35).

Therefore, it would have been obvious to the ordinary skill in the art at the time the invention was made to provide the above teaching of Lee to the combination of Rai and Lee, in order to keep track of number times that system registers.

Regarding **Claims 19, 33, 45**, Rai fails to teach a server wherein the counter indicates a total service time for the mobile node. However Lee server wherein the counter indicates a total service time for the mobile node (col 10 lines 14-34). Therefore, it would have been obvious to

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the ordinary skill in the art at the time the invention was made to provide the above teaching of Lee to Rai, in order to provide compatibility with the existing protocols.

Regarding **Claims 12, 22, 36**, Rai teaches a server wherein the server is a RADIUS server (col 17 lines 50-65).

Regarding **Claim 24**, Rai teaches a method further including forwarding the data packet to another network device (col 22 lines 46-57).

Response to Arguments

3. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., use of server that can receive accounting request from various network devices) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to the applicant's argument that "*Rai neither disclose nor suggests maintaining accounting information for mobile nodes supported by a plurality of Home agents*"

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Examiner states that Rai teaches Home and serving accounting collection module collect accounting data between end system and a communication server through home inter-working function and through the serving inter-working function (col 3 lines 10-16).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., Rai fails to teach the type of data collected by the accounting collection modules) are not recited in the rejected claims. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Examiner states that Lee a counter indicates number of packets and number of bytes that received and send to the mobile node (page 3 lines 27-28).

In response to applicant's argument that *Rai does not disclose nor suggests using a counter indicates number of packets and number of bytes that received and send to the mobile node the format of bytes*, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Lee teaches a counter indicates number of packets and number of bytes that received and send to the mobile node (col 4 lines 58-67).

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Conclusion

4. Any responses to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308--6296, (for formal communications intended for entry)

Or:

(703) 308-6306, (for informal or draft communications, please label

“PROPOSED” or “DRAFT”)


Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor, William Trost can be reached (703)308-5318.

NM

June 25, 2003


WILLIAM TROST
SUPERVISORY PATENT EXAMINER
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